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**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and	)	C.A. No. 3:18-cv-2293
on behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	<b>NOTICE OF MOTION AND</b>
	)	<b>MOTION OF THE KLAPPER,</b>
	)	<b>RANA AND ESTOESTA GROUP</b>
v.	)	<b>FOR PARTIAL</b>
	)	<b>RECONSIDERATION AND</b>
RIOT BLOCKCHAIN, INC. F/K/A,	)	<b>AMENDMENT TO THE ORDER</b>
BIOPTIX, INC., JOHN O’ROURKE, and	)	<b>APPOINTING LEAD PLAINTIFF</b>
JEFFREY G. MCGONEGAL,	)	<b>(ECF NO. 40)</b>
	)	
Defendants.	)	<b>MOTION DATE: Jan. 7, 2019</b>
	)	

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JOSEPH J. KLAPPER, JR., individually	)	
and on behalf of all others similarly	)	C.A. No. 3:18-cv-8031
situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
	)	
	)	

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RIOT BLOCKCHAIN, INC. F/K/A, )  
 BIOPTIX, INC., JOHN O’ROURKE, and )  
 JEFFREY G. MCGONEGAL, )  
 Defendants.

**PLEASE TAKE NOTICE** that, on January 7, 2019, or as soon thereafter as the matter may be heard in the courtroom of the Honorable Freda L. Wolfson, situated at 402 East State Street, Trenton, New Jersey, 08608, proposed lead plaintiff movants Joseph J. Klapper, Jr., Ashish Rana, and Sonia Estoesta (the “Klapper, Rana and Estoesta Group” or “Group”), by their counsel, will hereby move this Court pursuant to Local Rule 7.1(i) and Rules 59(e) and 60(b)(1) of the Federal Rules of Civil Procedure for an order (attached hereto): partially amending this Court’s November 6, 2018 Order (Dkt. No. 40) so that the most adequate lead plaintiff—the Klapper, Rana and Estoesta Group—may serve on behalf of the class. In support of this Motion, the Group submits herewith a Memorandum of Law in Support of the Motion.

This Motion is made on the grounds that the Order's appointment of Stanley Golovac as lead plaintiff lacked any valid factual or legal basis for its depriving the Klapper, Rana and Estoesta Group of its entitlement to its presumptive lead plaintiff status under controlling authority in this District and the Third Circuit.

Dated: November 23, 2018

**LEVI & KORSINSKY, LLP**

/s/ Donald J. Enright

Donald J. Enright

Elizabeth K. Tripodi (*pro hac vice to be submitted*)

John A. Carriel (*pro hac vice to be submitted*)

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**CERTIFICATE OF SERVICE**

I, Donald J. Enright, hereby certify that on November 23, 2018, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

/s/ Donald J. Enright  
Donald J. Enright